

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL NIVARD BEATON,
Petitioner,

v.

PAYAN,
Respondent.

No. 22-cv-0701-KJM-EFB (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 24, 2022, the magistrate judge filed findings and recommendations. ECF No. 9. The magistrate judge found petitioner's claim was unripe because petitioner brought a habeas challenge regarding a transfer that had yet to take place. The findings and recommendations served on petitioner contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations. As petitioner has not informed the court that the transfer has indeed taken place, nothing in the record supports the court's concluding that petitioner's claims are ripe.

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1 The court presumes that any findings of fact are correct. *See Orand v. United States*,
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate]
5 court. . . .”). Having reviewed the file, the court finds the findings and recommendations to be
6 supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed May 24, 2022 are adopted in full;
- 9 2. This action is dismissed without prejudice as unripe;
- 10 3. The Clerk is directed to close the case; and
- 11 4. The court declines to issue a certificate of appealability.

12 DATED: July 13, 2022.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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